

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

In Re:) **19-13686**
)
FREDERICK BURTON,) **Chapter 13**
)
Debtor.) **Hon. Judge: CLEARY**

NOTICE OF MOTION

To the following persons or entities who have been served via electronic mail:
U.S. Bankruptcy Trustee: USTPRegion11.ES.ECF@usdoj.gov
Marilyn O. Marshall, Chapter 13 Trustee: courtdocs@chi13.com

To the following persons or entities who have been served via U.S. Mail: See attached list.

PLEASE TAKE NOTICE that on **February 1, 2021, at 1:30 PM**, I will appear before the Honorable Judge **CLEARY**, or any judge sitting in that judge's place, and present the **Amended Motion to Modify Chapter 13 Plan**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828- 7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is **161 122 6457** and the password is **Cleary644**. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the present date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the present date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

PROOF OF SERVICE

The undersigned certifies that copies of this Notice and attachments were served to the listed persons or entities, if service by mail was indicated above, by depositing same in the U.S. Mail at Wheeling, Illinois 60090, on or before January 8, 2021, at 5:30 p.m., with proper postage prepaid, unless a copy was provided electronically by the Bankruptcy Court.

DATE OF SERVICE: January 8, 2021

/s/ Robert C. Bansfield Jr.
Robert C. Bansfield Jr., A.R.D.C. #6329415

Attorney for the Debtor
DAVID M. SIEGEL & ASSOCIATES
790 Chaddick Drive
Wheeling, IL 60090
(847) 520-8100
rbansfield@davidmsiegel.com

To the following persons or entities who have been served via U.S. Mail:

Frederick Burton
823 S. Lombard Ave.
Oak Park, IL 60304

Kashable LLC
PO Box 4287
New York, NY 10163

Quantum3 Group LLC as agent for
Sadino Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Bruce A Gartner DDS MS
Certified Services Inc
PO Box 177
Waukegan, IL 60079

JEFFERSON CAPITAL SYSTEMS LLC
PO Box 7999
St Cloud, MN 56302

Atlas Acquisitions LLC (TEMPOE, LLC)
492C Cedar Lane Ste 442
Teaneck, NJ 07666

Commonwealth Edison Company
Bankruptcy Department
1919 Swift Drive
Oak Brook, IL 60523

Village of Hoffman Estates
1900 Hassell Rd.
Schaumburg, IL 60195-2305

City of Chicago Department of Finance
c/o Arnold Scott Harris P.C.
111 W. Jackson Ste. 600
Chicago, IL 60604

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee f
c/o Codilis & Associates P.C.
15W030 N. Frontage Road, Suite 100
Burr Ridge, IL 60527

Nicor Gas
PO Box 549
Aurora, IL 60507

Illinois Department of Revenue
Bankruptcy Unit
P.O. Box 19035
Springfield, IL 62794

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In Re:) **19-13686**
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FREDERICK BURTON,) **Chapter 13**
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Debtor.) **Hon. Judge: CLEARY**

AMENDED MOTION TO MODIFY CHAPTER 13 PLAN

NOW COMES the Debtor, **Frederick Burton**, by and through his attorneys, David M. Siegel & Assoc., LLC, to present this Motion, and in support thereof states as follows:

- 1) Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
- 2) On May 13, 2019, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 under Title 11 USC, and the Chapter 13 plan was confirmed on August 26, 2019. Marilyn O. Marshall was appointed Trustee in this case.
- 3) The Debtor's Chapter 13 plan provides for payments of \$375.00 per month for 2 months and then payments of \$925.00 per month for at least 34 months until General Unsecured Creditors receive at least 10% of their allowed claims.
- 4) Debtor was laid off from work due to the ongoing COVID-19 pandemic. This caused him to fall behind in his Chapter 13 plan payments.
- 5) Debtor started a self-employment business to make money to pay for his monthly expenses and to pay for his Chapter 13 payments.
- 6) This has caused the Debtor's disposable income to significantly drop.
- 7) With these changes, Debtor can resume making his monthly bankruptcy payments, but cannot make the current \$925.00 a month payment.
- 8) Debtor also cannot cure his current plan payment default.

- 9) The Debtor proposes to modify his Chapter 13 plan pursuant to 11 USC §1329 to defer his existing default until the end of his plan and to decrease his monthly payment to \$690.00 per month. Debtor makes this proposal in good faith and with the intention of completing his Chapter 13 plan.
- 10) The Debtor further proposes to modify his Chapter 13 plan pursuant to the recently amended 11 USC §1329 on March 27, 2020, under the Coronavirus Air, Relief and Economic Security Act (CARES Act), to extend his bankruptcy an additional 24 months.
- 11) Decreasing the monthly payments will not cause the confirmed Chapter 13 plan to run longer than 84 months and will continue to pay General, Unsecured Creditors at least 10% of their allowed claims.
- 12) Debtor requests the above relief without any intent to defraud his creditors.

WHEREFORE, the Debtor, **Frederick Burton**, prays that this Honorable Court enter an Order to Modify the Chapter 13 Plan and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Robert C. Bansfield Jr.
Robert C. Bansfield Jr., A.R.D.C. #6329415
Attorney for the Debtor

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